

Application No.: 10/719,134
Response Dated: October 27, 2006
Reply to Office Action Dated: October 2, 2006

Attorney Docket No. UMC.10003
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and M is $\text{Fe}_x\text{Co}_y\text{Ni}_z\text{Mn}_w$, with $0 \leq x \leq 1$, $0 \leq y \leq 1$, $0 \leq z \leq 1$, $0 \leq w \leq 1$, and $x + y + z + w = 1$. Election of any one of Groups I-IV therefore requires a search of the prior art that would, by necessity, be inclusive of the chemical composition and component ratio subject matter recited in each of the non-elected Groups. A search and examination of any such compositional art as a positively recited element in each of the Groups I-IV would be inclusive, by default, not only of all the compositional and component ratio subject matter among Group II but processes and uses reciting such compositions, as in the other Groups I, III and IV listed in the Office Action. Additionally, since the same search is necessitated by the recitation of the positively recited compositional elements and component ratios for each of the non-elected Groups II-IV, restriction of the claims results in an unnecessary and redundant administrative burden.

Moreover, according to the Restriction Requirement, each of Groups I and II are to be searched in only one class and one subclass. A search of the process for making LiMPO_4 powder would be inclusive of the LiMPO_4 powder itself within the subclass in view of the recitation of the compositional elements and component ratios as described above. Therefore, a search and examination of all the claims of Groups I and II could be made without serious burden. In view of the above, Applicants respectfully request that the restriction requirement be withdrawn, or at the very least, that Groups I and II be recombined and examined concurrently.

If the restriction requirement is maintained, Applicants reserve the right to file divisional application(s) based on the non-elected claims.


If any questions remain, the Examiner is invited to contact the undersigned at the number given below.

Respectfully submitted,

HUTCHISON LAW GROUP PLLC

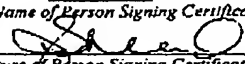
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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 27, 2006

Jennie Sneed
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(Signature of Person Signing Certificate)

Date of Signing: October 27, 2006